

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3183 of 2023

Arising Out of PS. Case No.-119 Year-2022 Thana- BALIGAON District- Vaishali

1. VASHISHTH SAHNI Son of Budhan Sahni Resident of Village - Bhusahi, P.S.- Baligoun, Distt.- Vaishali
2. Raju Kr. @ Raj Kumar Mahto Son of Ram Narayan Mahto Resident of Village - Bhusahi, P.S.- Baligoun, Distt.- Vaishali

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Shyam Anand, Advocate
For the Opposite Party	:	Mr.Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections-30(a), 32(2), 41(1) of the Bihar Prohibition and Excise Amendment Act, 2018 and Section-414 of the Indian Penal Code.

The prosecution case, in short, is that 390.96 liters wine is recovered.

It has been submitted on behalf of the petitioners that that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The name of the petitioners has transpired on the basis of confessional statement of co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is



alleged that 390.96 liters wine is recovered from a hut, in question. The hut, in question does not belong to the petitioners. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C. Learned counsel for the petitioners has placed reliance upon the order dated 13-04-2022 passed by the Hon'ble Supreme Court in Cr. Appeal No. 626 of 2022 (Sweta Kumari versus State of Bihar.)

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1-cum- Additional District & Sessions Judge, Vaishali at Hajipur in connection with Baligaon P.S. Case No. 119 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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